



UNITED STATES PATENT AND TRADEMARK OFFICE

John
UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/844,114	04/27/2001	Florian Meinhard Konig	KONIG, F-2	1016
7590	06/01/2005		EXAMINER	
COLLARD & ROE, P.C. 1077 Northern Boulevard Roslyn, NY 11576-1696			ZHENG, EVA Y	
		ART UNIT	PAPER NUMBER	
		2634		

DATE MAILED: 06/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/844,114	KONIG, FLORIAN MEINHARD
	Examiner Eva Yi Zheng	Art Unit 2634

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 24 December 2004.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) 1,3-4 is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 2 and 21-24 is/are rejected.
- 7) Claim(s) 5-20 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date: _____
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date: _____	6) <input type="checkbox"/> Other: _____

DETAILED ACTION

1. The rejection under 35 U.S.C 101 has been withdrawn.
2. The objection to drawing has been withdrawn.

Response to Arguments

3. Applicant's arguments filed December 24, 2004 have been fully considered but they are not persuasive. The Examiner has thoroughly reviewed Applicant's arguments but firmly believes that the cited reference reasonably and properly meet the claimed limitation as rejected.
 - a) Applicant's argument – "Davies patent relates to the transmission and coupling of high frequency signals and nowhere teaches or discloses the use of a natural alternating electromagnetic field".

Examiner's response – In abstract, Davies explicitly states that: "a arrangement is described for transmitting, radiating and receiving high-frequency signals. The arrangement is comprised of a system connected to a transmitting and receiving device (3) which includes at least one high-frequency element (1) capable of guiding **electromagnetic waves** and". Thus, Davies meets applicant's claimed limitation.

4. Claims 2 and 21-24 are rejected under new grounds of rejection due to amended claims.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 2 and 21-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Davies (US 6,396,600 B1).

a) Regarding claim 21, Davies disclose a method of transmitting a high between a transmitter and a receiver, the method steps of:

a) linking the high frequency signal (1 in Fig. 2) with a signal for a natural alternating electromagnetic field to form a linked signal (as shown in Fig. 2; abstract); and

b) extracting the high frequency signal from the linked signal in the receiver (block 3 as shown in Fig. 2; abstract).

b) Regarding claim 22, Davies disclose a method of transmitting a high between a transmitter and a receiver, the method steps of:

a) modulating the high frequency signal (1 in Fig. 2; Col 4, L 19-32) on a signal for a natural alternating electromagnetic field to form a linked signal (as shown in Fig. 2; abstract); and

- b) extracting the high frequency signal from the linked signal in the receiver (block 3 as shown in Fig. 2; abstract).
- c) Regarding claim 23, Davies disclose a method of transmitting a high between a transmitter and a receiver, the method steps of:
 - a) modulating a signal for a natural alternating electromagnetic field to form a linked signal (1 in Fig. 2; Col 4, L 19-32; abstract); and
 - b) extracting the high frequency signal from the linked signal in the receiver (block 3 as shown in Fig. 2; abstract).
- d) Regarding claim 24, Davies disclose a method of transmitting a high between a transmitter and a receiver, the method steps of:
 - a) generating a high frequency signal (1 in Fig. 2; Col 4, L 19-32; abstract);
 - b) providing a signal for generating a natural alternating electromagnetic field (abstract);
 - c) linking the high frequency signal and the signal for generating a natural alternating electromagnetic field to form a linked signal (as shown in Fig. 2);
 - d) transmitting the linked signal to the receiver (block 3 in Fig. 2); and
 - e) extracting the high frequency signal from the signal for generating a natural alternating electromagnetic field in the receiver (block 3 as shown in Fig. 2; abstract).
- e) Regarding claim 2, Davies disclose the method according to claim 21, wherein the step of linking the high frequency signal with a signal for a natural alternating electromagnetic field comprises mixing the high frequency signal with the

signal for the natural alternating electromagnetic field (inherent as high frequency signal guiding electromagnetic wave; abstract).

Allowable Subject Matter

7. Claims 5-20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eva Yi Zheng whose telephone number is (571) 272-3049. The examiner can normally be reached on 7:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Chin can be reached on (571) 272-3056. The fax phone number for the organization where this application or proceeding is assigned is 703-879-9306.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 872-9314 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

Eva Yi Zheng
Examiner
Art Unit 2634

May 18, 2005



SHUWANG LIU
PRIMARY EXAMINER

SHUWANG LIU
MARY EXAMINER